

REMARKS

In the outstanding office action the Examiner has constructively elected the previously pending composition claims (claims 1 – 12) and withdrawn newly added claims 13 – 23 as being directed to a non-elected invention. Applicants respectfully traverse the Examiners constructive election.

According to MPEP 803, and according to published Examiner training materials, all of the pending claims in an application must be examined, even if the claims are drawn to separate and distinct inventions, if the search and examination can be made without serious burden. Applicants respectfully submit that search and examination of claims 13 – 23 can be made without substantial additional search and examination. Although these claims are method claims, a major portion of the claimed subject matter relates to limitations on the composition used in the methods, and these compositions have been thoroughly searched and examined. Applicants respectfully submit that the additional method steps now presented will not require a serious burden to examine since such steps are defined relatively broadly and with relatively few additional limitations. Accordingly, reconsideration and withdrawal of the constructive election is respectfully submitted.

Respectfully submitted,

December 10, 2008

Date

/Joseph F. Posillico/

Joseph F. Posillico

Reg. No. 32,290

Fox Rothschild LLP

1101 Philadelphia, PA 19107-2950

Market Street; Suite 2600

Tele: (215) 923-4466

Fax: (215) 923-2189